

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the subject application. The Office Action of November 26, 2007 has been received and contents carefully reviewed.

By this Amendment, claim 1 has been amended to correct for a minor informality. Claims 2-23 have previously been cancelled. No claims are hereby added. Accordingly, claims 1 and 24-32 are currently pending in the present application. Reexamination and reconsideration of the pending application are respectfully requested.

In the Office Action, claims 1 and 24-32 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over United States Patent No. 6,680,769 B1 (to Lee et al.)(hereinafter "Lee") in view of United States Patent No. 5,943,106 (to Sukenori et al.)(hereinafter "Sukenori"). Claims 1, 25-27 and 29-32 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over United States Patent No. 6,635,335 B1 (to Kim et al.)(hereinafter "Kim") in view of Sukenori. Claim 24 is rejected under 35 U.S.C. §103(a) over Kim in view of Sukenori and further in view of United States Patent No. 6,504,592 B1 (to Takatori et al.)(hereinafter "Takatori"). Claim 28 is rejected under 35 U.S.C. §103(a) over Kim in view of Sukenori and further in view of United States Patent No. 5,710,609 (to Shimada)(hereinafter "Shimada"). These rejections are respectfully traversed and reconsideration is requested.

The rejection of claims 1 and 24-32 as allegedly unpatentable over Lee in view of Sukenori is respectfully traversed and reconsideration is requested.

The cited reference (Lee) is not available as prior art against the instant claims because the present invention claims foreign priority to Korean Patent Application No. 1999-31567 filed on July 31, 1999 which is before the filing date of Lee. Accordingly, Applicants submit herewith a certified English translation of Applicants' foreign priority document. Applicants respectfully request that the Examiner withdraw the Examiner's rejection as unpatentable over Lee in view of Sukenori.

The rejection of claims 1, 25-27 and 29-32 as allegedly unpatentable over Kim in view of Sukenori is respectfully traversed and reconsideration is requested.

The cited reference to Kim is not available as prior art because (1) both Kim and the instant application were commonly assigned or subject to an obligation of assignment to LG. Philips LCD Co., Ltd., (2) Kim is a §102(e) type of reference used in a §103(a) rejection, and (3) the present application was filed after November 29, 1999 (the parent application was filed on July 31, 2000). Therefore, Applicants remove Kim pursuant to §103(c).

Accordingly, claim 1 and claims 25-27 and 29-32 dependent therefrom are believed to be allowable over the cited references.

The rejection of claims 24 and 28 is respectfully traversed and reconsideration is requested. Claims 24 and 28 depend from claim 1 and necessarily contain all of the limitations of claim 1. Accordingly, claims 24 and 28 are believed to be allowable over the cited references. Takatori is offered to teach a common electrode with an open area. Shimada is offered to teach a liquid crystal layer including a chiral dopant. Neither Takatori nor Shimada, as best understood, teach or suggest all of the claimed limitations.

Applicants believe the application is in condition for allowance and early, favorable action is respectfully solicited. If the Examiner deems that a telephone conference would further the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number (202) 496-7500. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: February 26, 2008

Respectfully submitted,

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DECLARATION

I Gyeong Ae GU of SUNYOUNG INT'L PATENT & LAW FIRM, 6th Fl. Hyun Juk Bldg., 832-41, Yeoksam-dong, Gangnam-gu, Seoul, 135-080, Republic of Korea do hereby declare that:



- 1) I am conversant with the English and Korean languages and am a competent translator therebetween;
- 2) To the best of my knowledge and belief, the attached is a true and complete translation of Priority Document No. 10-1999-031567 filed in the Korean language at the Korean Industrial Property Office on July 31, 1999.

Signed this 26th day of February, 2008

Gyeong Ae GU

Gyeong Ae GU